

EXHIBIT “1”

FILED
Gary Harrison
CLERK, SUPERIOR COURT
1/31/2022 10:44:37 AM
BY: ALAN WALKER /S/
DEPUTY

Case No. C20220401
HON. MICHAEL BUTLER

Sara Thomas (027803)
JONES | RACZKOWSKI | THOMAS PC
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Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA, PIMA COUNTY

Irma Gomez, a married woman, **NO.**
individually;

Plaintiff;

v.

COMPLAINT

Wal-Mart Inc., a Delaware
corporation; Stromiga, Inc., a
California corporation; Roll-It, LLC, a
California limited liability company;
CBRE, Inc., a Delaware corporation;
Does I-V;

Defendants.

Plaintiff Irma Gomez alleges:

1. Plaintiff Irma Gomez is a resident of Pima County, Arizona.
2. Defendant Walmart Inc. is a Delaware corporation that caused an event to occur in Pima County, Arizona and is doing business in Pima County, Arizona.
3. Specifically, Defendant Walmart Inc. was the owner, possessor, operator and/or manager of the retail store premises commonly known as Walmart Neighborhood Market (No. 3357) located at 3925 E. Grant Rd., Tucson, Pima County, Arizona on August 26, 2020.

1 4. On August 26, 2020, Defendant Walmart, Inc. had the duty to
2 provide its customers with safe ingress and safe egress at its retail store
3 premises commonly known as Walmart Neighborhood Market (No. 3357),
4 located at 3925 E. Grant Rd., Tucson, Pima County, Arizona.

5 5. Defendant Stromiga, Inc. is a California corporation that caused
6 an event to occur in Pima County, Arizona and is doing business in Pima
7 County, Arizona.

8 6. Specifically, Defendant Stromiga, Inc. was the owner,
9 possessor, operator and/or manager of the premises, including but not
10 limited to the common area parking lot, situated in front of the Walmart
11 Neighborhood Market located at 3925 E. Grant Rd., Tucson, Pima County,
12 Arizona, on August 26, 2020.

13 7. Defendant Roll-It, LLC is a California limited liability company
14 that caused an event to occur in Pima County, Arizona and is doing
15 business in Pima County, Arizona.

16 8. Specifically, Defendant Roll-It, LLC was the owner, possessor,
17 operator and/or manager of the premises, including but not limited to the
18 common area parking lot, situated in front of the Walmart Neighborhood
19 Market located at 3925 E. Grant Rd., Tucson, Pima County, Arizona, on
20 August 26, 2020.

21 9. Defendant CBRE Inc. is a Delaware corporation that caused an
22 event to occur in Pima County, Arizona and is doing business in Pima
23 County, Arizona.

24 10. Specifically, Defendant CBRE Inc. was the possessor and/or
25 property manager of the premises located at 3925 E. Grant Rd., Tucson,
26 Pima County, Arizona on August 26, 2020.

1 11. Does I-V are corporations, partnerships, other entities, or
2 individuals other than Defendant Walmart Inc., Defendant Stromiga, Inc.,
3 Defendant Roll-It, LLC, and Defendant CBRE Inc., who owned, possessed,
4 operated and/or managed the premises located at 3925 E. Grant Rd.,
5 Tucson, Pima County, Arizona on August 26, 2020 and/or who were
6 otherwise responsible for the unreasonably dangerous condition alleged
7 herein.

8 12. The actions, omissions and conduct giving rise to this cause of
9 action occurred in Pima County, Arizona, and this Court has subject matter
10 and personal jurisdiction. Venue is appropriate in Pima County pursuant
11 to A.R.S. §12-401.

12 13. Defendant Walmart Inc., Defendant Stromiga, Inc., Defendant
13 Roll-It, LLC, and Defendant CBRE Inc. and/or Does I-V, as the owners,
14 possessors, operators, and/or managers of the premises located at 3925 E.
15 Grant Rd., Tucson, Pima County, Arizona on August 26, 2020, had an
16 affirmative duty to maintain the premises in reasonably safe condition for
17 the use of business invitees such as Plaintiff and delegation of that duty
18 did not relieve Defendants from their affirmative duty.

19 14. On August 26, 2020, Plaintiff was walking out of the Walmart
20 located at located at 3925 E. Grant Rd., Tucson, Pima County, Arizona,
21 when she was injured as a direct and proximate result of an unreasonably
22 dangerous condition, specifically a hole in the walkway (uneven walkway
23 surface) caused by deteriorating and crumbling asphalt, as to which
24 Defendant Walmart Inc., Defendant Stromiga, Inc., Defendant Roll-It, LLC,
25 and Defendant CBRE Inc. and/or Does I-V created, had actual or
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1 constructive notice, or were otherwise negligent in allowing to be present
2 on the premises.

3 15. On August 26, 2020, Plaintiff was walking towards the parking
4 lot when her right foot stepped into a hole situated in the walkway that she
5 did not see causing her to fall to the ground sustaining injuries including
6 but not limited to a fractured right wrist requiring surgical repair and
7 insertion of hardware, and a fractured left toe.

8 16. Plaintiff has incurred health care expenses for treatment of the
9 injuries caused by Defendants' negligence, and Plaintiff may continue to
10 incur such expenses.

11 17. Plaintiff has experienced pain, discomfort, suffering, annoyance,
12 mental and emotional distress, loss of enjoyment of life, and other types
13 of general damage because of the injuries caused by Defendants'
14 negligence, and Plaintiff may continue to experience such general
15 damages in the future; the exact amount of Plaintiff's general damages is
16 undetermined, but in excess of the jurisdictional minimum of this Court.

17 18. Plaintiff further alleges the claimed total damages qualify this
18 matter as a Tier 2 case pursuant to Rule 8(b)(2) and Rule 26.2(c) of the
19 Arizona Rules of Civil Procedure.

20 WHEREFORE, Plaintiff requests judgment against Defendants for
21 reasonable compensatory damages in excess of this Court's jurisdictional
22 minimum, taxable costs, and all other appropriate relief.

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1 DATED this 31st day of January, 2022.

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3 JONES RACZKOWSKI THOMAS PC

4 /s/ Sara Thomas

5 _____
6 By Sara Thomas
7 Attorneys for Plaintiff

8 Efiled.

9 By: /s/ Sylvia Rivera
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EXHIBIT “2”

#52695

Person/Attorney Filing: Sara Thomas
Mailing Address: 2141 E. Camelback Road Ste.100
City, State, Zip Code: Phoenix, AZ 85016
Phone Number: (602)443-2862
E-Mail Address: sthomas@azpremiseslaw.com
☐ Representing Self, Without an Attorney
(If Attorney) State Bar Number: 027803, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

Irma Gomez

Plaintiff(s),

v.

Walmart Inc., a Delaware
corporation;, et al.

Defendant(s).

Case No. C20220401

SUMMONS

HON. MICHAEL BUTLER

To: CBRE, Inc., a Delaware corporation;

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 110 West Congress Street, Tucson, Arizona 85701 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of PIMA

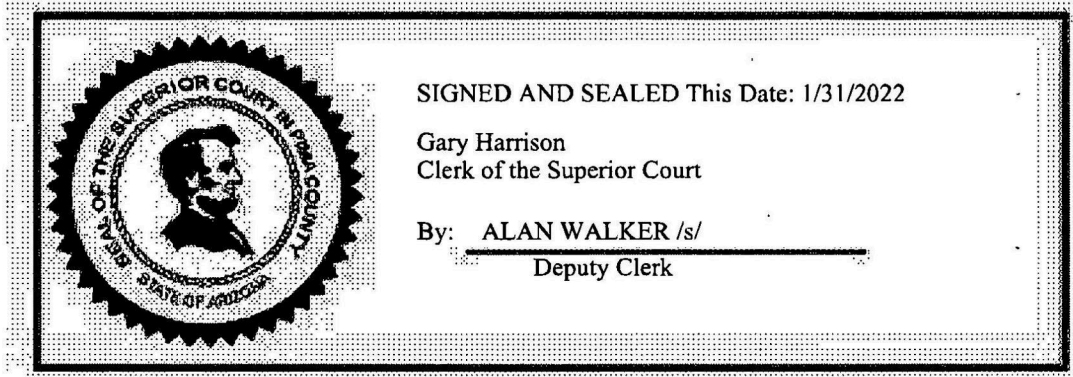


EXHIBIT “3”

FILED
Gary Harrison
CLERK, SUPERIOR COURT
1/31/2022 10:44:37 AM
BY: ALAN WALKER /S/
DEPUTY
Case No. C20220401
HON. MICHAEL BUTLER

PERSON/ATTORNEY FILING: Sara Thomas
MAILING ADDRESS: 2141 E. Camelback Road Ste.100
CITY, STATE, ZIP CODE: Phoenix, AZ 85016
PHONE NUMBER: (602)443-2862
E-MAIL ADDRESS: sthomas@azpremiseslaw.com
[☐] REPRESENTING SELF, WITHOUT AN ATTORNEY
(If ATTORNEY) STATE BAR NUMBER: 027803, Issuing State: AZ

ARIZONA SUPERIOR COURT, PIMA COUNTY

Irma Gomez
Plaintiff(s),

V.

CASE NO: _____

Walmart Inc., a Delaware
corporation;, et al.
Defendant(s).

RULE 102a FASTAR CERTIFICATE

The undersigned certifies that he or she knows the eligibility criteria set by FASTAR Rule 101b
and certifies that this case:

**(NOTE – YOU MUST CHECK ONE OF THE BOXES BELOW OR THE CLERK WILL
NOT ACCEPT THIS FORM.)**

- ☐ DOES meet the eligibility criteria established by Rule 101b; or
☒ DOES NOT meet the eligibility criteria established by Rule 101b.

Dated: _____

Sara Thomas /s/
SIGNATURE

EXHIBIT “4”



Case Information

Case Number:	C20220401
Filing Date:	1/31/2022
Caption:	WALMART INC., A DELAWARE CORPORATION; ET AL.
Judge:	MICHAEL BUTLER



Party Information

Party Full Name	Party Role	Name Type	DOB
IRMA GOMEZ	Plaintiff	True	
WALMART INC., A DELAWARE CORPORATION;	Defendant	True	
STROMIGA, INC. A CALIFORNIA CORPORATION;	Defendant	True	
ROLL-IT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY;	Defendant	True	
CBRE, INC., A DELAWARE CORPORATION;	Defendant	True	



Case/Document Information

Document Type	Document SubType	Document Caption	File Date	Image
Motion	Motion	Expedited Motion to Extend Deadline 45 Days to Serve Summons and Complaint on Stromiga, Inc. an	4/26/2022	Available at Courthouse
Misc	Exhibits	Exhibit A	4/26/2022	Available at Courthouse
Misc	Certificate	Certificate of Service for Stromiga, Inc. c/o Steve Benjamin	4/13/2022	Available at Courthouse
CourtNotice	Notice Of Impending Dismissal	NOTICE OF IMPENDING DISMISSAL	4/7/2022	Available
Affidavit	Certificate Of Service	CERTIFICATE OF SERVICE	4/6/2022	Available at Courthouse
Affidavit	Certificate Of Service	CERTIFICATE OF SERVICE	4/6/2022	Available at Courthouse
Affidavit	Certificate Of Service	CERTIFICATE OF SERVICE	4/6/2022	Available at Courthouse
Open	Petition & Complaint	Complaint	1/31/2022	Available at Courthouse
Misc	Documents/Records Filed	Civil Cover Sheet	1/31/2022	Available at Courthouse

Arbitration	Fastar Certificate	FASTAR Certificate	1/31/2022	Available at Courthouse
Summons	Summons/Subpoena	Summons	1/31/2022	Available at Courthouse
Summons	Summons/Subpoena	Summons	1/31/2022	Available at Courthouse
Summons	Summons/Subpoena	Summons	1/31/2022	Available at Courthouse
Summons	Summons/Subpoena	Summons	1/31/2022	Available at Courthouse
Summons	Summons/Subpoena	Summons	1/31/2022	Available at Courthouse
Receipt	All Money Receipts	All Money Receipts 3448949	1/31/2022	Available at Courthouse